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and David Drummond*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSE CERDA GODINEZ,
Plaintiff,

vs.

GUZMAN, et al.,
Defendants.

Case No. 3:21-cv-00314-RCJ-CSD

**ORDER GRANTING
MOTION FOR EXTENSION TO FILE THE
JOINT PRE-TRIAL ORDER
[FIRST REQUEST]**

Defendants, Douglas Edwards, Jose Guzman, Macelen Kleer, Chet Rigney, James Weiland, and David Drummond, by and through counsel, Nevada Attorney General, Aaron D. Ford, and Deputy Attorney General, Kayla D. Dorame, hereby move this Court for an order extending the deadline for filing the Joint Pretrial Order. ECF No. 54. This is the first request the Defendants have made. This Motion is made and based upon the attached Points and Authorities, the papers and pleadings on file, herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT

This is a pro se prisoner civil rights action brought by inmate Plaintiff Jose Cerda Godinez (Godinez) asserting claims arising from 42 U.S.C. § 1983..

This Court issued an order, (ECF No. 54) which ordered the Joint Pretrial Order to be filed by March 20, 2023. The parties are engaged in settlement negotiations, which

1 may render the Joint Pretrial Order moot. Therefore, the Joint Pretrial order in this
2 matter is delayed as settlement negotiations are on-going.

3 As this Court is aware, Local Rule 16-3 requires:

4 Upon the initiative of a pro se plaintiff or plaintiff's attorney,
5 the attorneys or parties who will try the case and who are
6 authorized to make binding stipulations must personally
7 discuss settlement and prepare and file a proposed joint pretrial
8 order containing the following...

9 In spite of the requirement of the Local Rule, due to the fact that the Plaintiff, in
10 this case and others, is incarcerated, the Office of the Attorney General takes the
11 initiative to prepare and file the Joint Pretrial orders. In this case, Undersigned Counsel
12 is hopeful that settlement negotiations will render the need for the Joint Pretrial Order
13 unnecessary. Therefore, the Defendants request additional time to file the Joint Pretrial
14 order.

15 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
16 follows:

17 When an act may or must be done within a specified time, the
18 court may, for good cause, extend the time: (A) with or without
19 motion or notice if the court acts, or if a request is made, before
20 the original time or its extension expires; or (B) on motion made
21 after the time has expired if the party failed to act because of
22 excusable neglect.

23 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, as
24 the trial date is not imminent. The requested extension of time should permit the
25 Defendants to conduct further settlement negotiations prior to completing the Joint
26 Pretrial Order. Therefore, the Defendants request additional time to prepare, if
27 necessary, the Joint Pretrial order.

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1 **II. CONCLUSION**

2 Defendants assert that the requisite good cause and extenuating circumstance is
3 present to warrant the requested extension of time. Therefore, the Defendants requests
4 an extension, until **April 19, 2023**, to file the Joint Pretrial order.

5 DATED this 20th day of March, 2023.

6 AARON D. FORD
7 Attorney General

8 By: /s/Kayla D. Dorame
9 KAYLA D. DORAME, Bar No. 15533
10 Deputy Attorney General

11 *Attorneys for Defendants*

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13 IT IS SO ORDERED.

14 DATED: March 20, 2023.

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16 UNITED STATES MAGISTRATE JUDGE